

### **III. Remarks**

Claims 1-4, 6, 7, 9-18, 20-23, and 27-37 were previously pending, of which claim 1 has been amended. Claims 6, 7, 10, 12-14, 20, 30, and 31 were previously withdrawn from consideration. Reconsideration of presently pending claims 1-4, 9, 11, 15-18, 21-23, 27-29, and 32-37 is respectfully requested in light of the above amendments and the following remarks.

#### **§112 Rejections**

Claims 35-37 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended claims 35-37 to correct the dependencies of these claims. Accordingly, Applicant requests that the §112 rejection of these claims be withdrawn.

#### **Double Patenting**

Applicant acknowledges the provisional obviousness-type double patenting rejection of claims 1-4, 9, 11, 15-18, 27-29, and 32-37. Applicant will address the rejection when the claims are otherwise allowable and the obviousness-type double patenting rejection comes to fruition.

#### **§102 Rejections**

##### **U.S. Patent No. 7,048,764 to Ferree**

Claims 1-4, 9, 11, 15-18, 21-23, 27-29, and 32-37 stand rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 7,048,764 to Ferree ("the Ferree patent").

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, to sustain the rejection of these claims the Ferree patent must teach all of the claimed elements of each claim. However, the Ferree patent fails to disclose all of the claimed elements of independent claim 1 and, therefore, its dependent claims 2-4, 9, 11, 15-18, 21-23, 27-29, and 32-37.

In particular, the Ferree patent at least fails to teach "a fourth surface having a concave central portion and a convex outer portion extending substantially around the concave central portion . . . the convex outer portion having a fifth radius of curvature substantially similar to or

larger than the first radius of curvature,” as required by amended claim 1. As illustrated in modified Fig. 1 (below), claim 1 requires that the convex outer portion of the center member have a fifth radius of curvature (X2) that is substantially the same as or larger than the radius of curvature (X1) of the concave recess of the first member. As shown in modified Fig. 2 (below), the center member disclosed in the Ferree patent does not include “a fourth surface having . . . a convex outer portion . . . having a fifth radius of curvature substantially similar to or larger than the first radius of curvature.” Even if the center member 106 was found to have a convex periphery, that convex periphery does not have a radius of curvature (shown as Y2 in Fig. 2) that is substantially the same as or larger than the radius of curvature of inner convex surface of member 102 (shown as Y1 in Fig. 2) as required by claim 1. Thus, for at least this reason, Ferree fails to teach all of the claimed elements of amended claim 1. Therefore, Applicants respectfully request that the §102 rejections of claims 1-4, 9, 11, 15-18, 21-23, 27-29, and 32-37 be withdrawn.

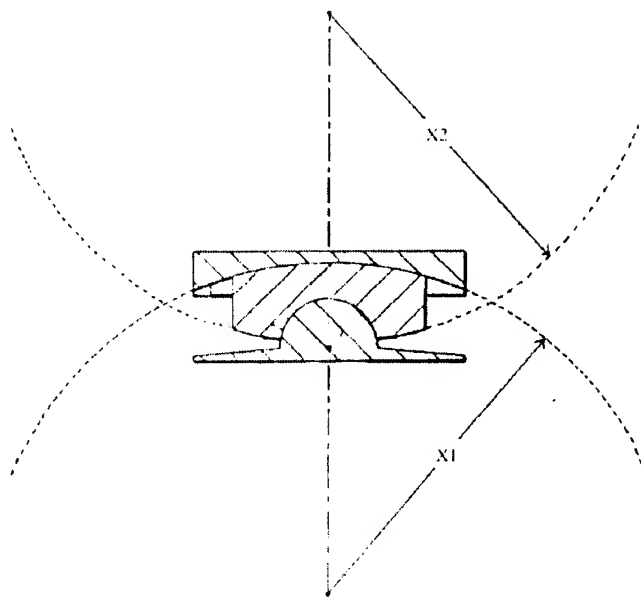


Figure 1 - Applicants Figure 5

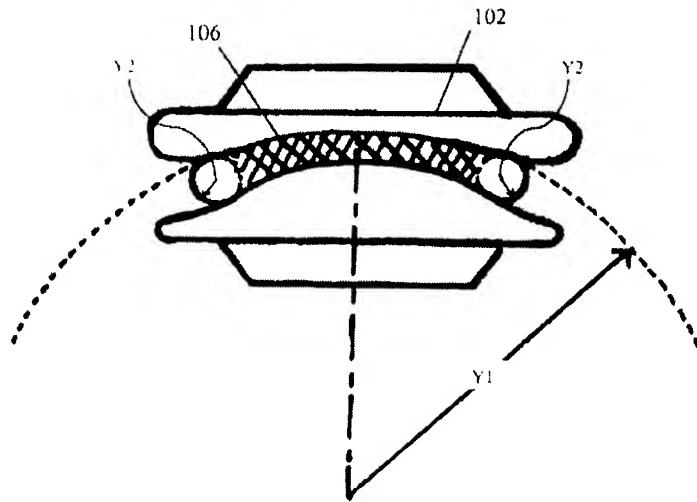


Figure 2 – Ferree Figure 1A

U.S. Patent Application Publication 2004/0133278 A1 to Marino

Claims 1, 9, 11, 15-18, 21-23, 27-29, and 32-37 also stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0133278 A1 to Marino (“Marino”). To sustain the rejection of these claims Marino must teach all of the claimed elements of each claim. However, Marino fails to disclose all of the claimed elements of amended independent claim 1 and, therefore, its dependent claims 9, 11, 15-18, 21-23, 27-29, and 32-37.

Marino, like Ferree, fails to teach “a fourth surface having . . . a convex outer portion . . . having a fifth radius of curvature substantially similar to or larger than the first radius of curvature,” as required by amended claim 1. As shown in Fig. 3 (below), the spacer 28 disclosed in Marino does not include “a fourth surface having a concave central portion and a convex outer portion . . . having a fifth radius of curvature substantially similar to or larger than the first radius of curvature,” because, even if it is found that member 28 does in fact have a convex periphery, the radius of curvature of that convex periphery (shown as Z2 in Fig. 3) is not substantially the same as or larger than the radius of curvature of inner surface 56 of member 24 (shown as Z1 in Fig. 3) as required by amended claim 1. Thus, for at least this reason, Marino fails to teach all of the claimed elements of independent claim 1. Therefore, Applicants respectfully request that the §102 rejections of claims 1, 9, 11, 15-18, 21-23, 27-29, and 32-37 be withdrawn.

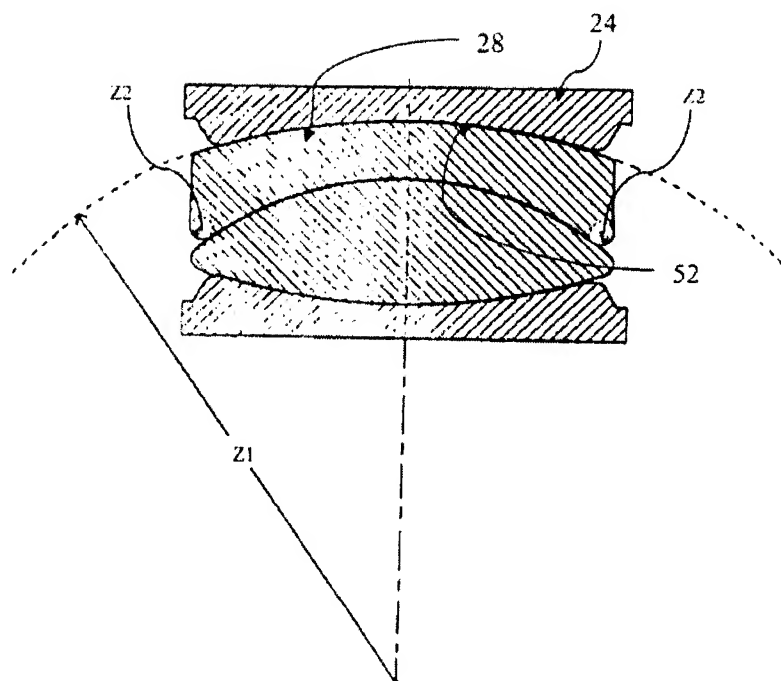


Figure 3 – Marino Figure 2

U.S. Patent Application Publication 2004/0002761 A1 to Rogers

Claims 1, 9, 11, 15-18, 21-23, 27-29, and 32-37 also stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0002761 A1 to Rogers (“Rogers”). To sustain the rejection of these claims Rogers must teach all of the claimed elements of each claim. However, Rogers fails to disclose all of the claimed elements of amended independent claim 1 and, therefore, its dependent claims 9, 11, 15-18, 21-23, 27-29, and 32-37.

Rogers, like Ferree and Marino, fails to teach teach “a fourth surface having . . . a convex outer portion . . . having a fifth radius of curvature substantially similar to or larger than the first radius of curvature,” as required by amended claim 1. As shown in Fig. 4 (below), the center member (core member) does not include “a fourth surface having . . . a convex outer portion . . . having a fifth radius of curvature substantially similar to or larger than the first radius of curvature.” Even if it were found that the center member disclosed in Rogers has a convex periphery, the radius of curvature of the convex outer portion of the center member (shown as A2 in Fig. 4) is not substantially the same as or larger than the radius of curvature of the inner concave surface of the first member (shown as A1 in Fig. 4) as required by amended claim 1.

Thus, for at least this reason, Rogers fails to teach all of the claimed elements of independent claim 1. Therefore, Applicants respectfully request that the §102 rejections of claims 1, 9, 11, 15-18, 21-23, 27-29, and 32-37 be withdrawn.

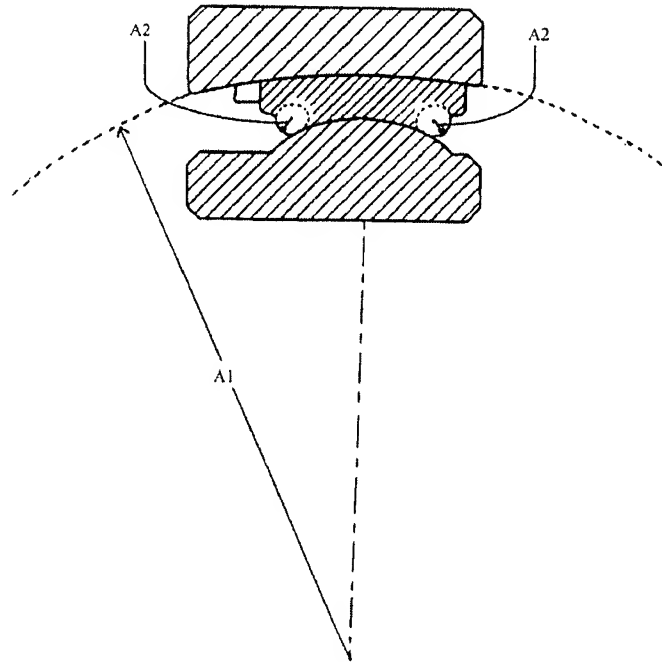


Figure 4 – Rogers Fig. 21B

#### IV. Conclusion

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims are in condition for allowance. Should the Examiner deem that any further amendment is necessary to place this application in condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number noted below.

Respectfully submitted,

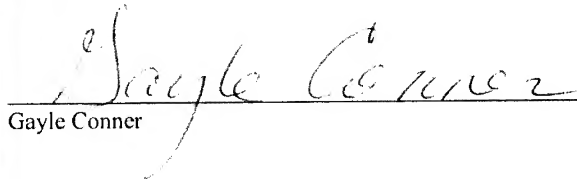


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Gayle Conner